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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/580,140	05/19/2006	Juan Aymami Bofarull	14455.886US01	9252
43430 7590 03/23/2009 BERENBAUM, WEINSHIENK & EASON, P.C 370 17TH STREET SUITE 4800 DENVER, CO 80202				
EXAMINER AULAKH, CHARANJIT				
ART UNIT		PAPER NUMBER		
1625				
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/580,140

Applicant(s)

AYMAMI BOFARULL ET AL.

Examiner

Charanjit S. Aulakh

Art Unit

1625

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 1 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-22 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☐ Claim(s) ____ is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☒ Claim(s) 1-22 are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SF/88)
Paper No(s)/Mail Date ____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date ____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: ____

DETAILED ACTION

1. According to a preliminary amendment filed on May 19, 2006, the applicants have amended claims 6, 7, 14, 20 and 21 and furthermore, have added new claim 22.
2. Claims 1-22 are now pending in the application.

Election/Restrictions

3. Restriction is required under 35 U.S.C. 121 and 372.

This application contains the following inventions or groups of inventions which are not so linked as to form a single general inventive concept under PCT Rule 13.1.

In accordance with 37 CFR 1.499, applicant is required, in reply to this action, to elect a single invention to which the claims must be restricted.

Group I, claim(s) In part 1-22, drawn to compounds of formula (I) where B represents – CONH- or –(CH₂)_nNH-, L is a single covalent bond and G2 is a radical of formula (II), a process for preparing these compounds, pharmaceutical compositions containing these compounds and method of treating cancer using these compounds.

Group II, claim(s) In part 1-22, drawn to compounds of formula (I) where B represents – CONH- or –(CH₂)_nNH-, L is a single covalent bond and G2 is N-radical of 1,8-naphthalimide, a process for preparing these compounds, pharmaceutical compositions containing these compounds and method of treating cancer using these compounds.

Group III, claim(s) In part 1-22, drawn to compounds of formula (I) where B represents – CONH- or –(CH₂)_nNH-, L is a single covalent bond and G2 is C4-radical of 2-phenylquinoline, a process for preparing these compounds, pharmaceutical compositions containing these compounds and method of treating cancer using these compounds.

Group IV, claim(s) In part 1-22, drawn to compounds of formula (I) where B represents –CONH- or –(CH₂)_nNH-, L is a single covalent bond and G2 is C9-radical of acridine, a process for preparing these compounds, pharmaceutical compositions containing these compounds and method of treating cancer using these compounds.

Group V, claim(s) In part 1-22, drawn to compounds of formula (I) where B represents –CONH– or –(CH₂)_nNH–, L is a covalent linking biradical and G2 is a radical of formula (II), a process for preparing these compounds, pharmaceutical compositions containing these compounds and method of treating cancer using these compounds.

Group VI, claim(s) In part 1-22, drawn to compounds of formula (I) where B represents –CONH– or –(CH₂)_nNH–, L is a covalent linking biradical and G2 is N-radical of 1,8-naphthalimide, a process for preparing these compounds, pharmaceutical compositions containing these compounds and method of treating cancer using these compounds.

Group VII, claim(s) In part 1-22, drawn to compounds of formula (I) where B represents –CONH– or –(CH₂)_nNH–, L is a covalent linking biradical and G2 is C4-radical of 2-phenylquinoline, a process for preparing these compounds, pharmaceutical compositions containing these compounds and method of treating cancer using these compounds.

Group VIII, claim(s) In part 1-22, drawn to compounds of formula (I) where B represents –CONH– or –(CH₂)_nNH–, L is a covalent linking biradical and G2 is C9-radical of acridine, a process for preparing these compounds, pharmaceutical compositions containing these compounds and method of treating cancer using these compounds.

Group IX, claim(s) In part 1-22, drawn to compounds of formula (I) where B represents –NR₁₃, O or –(CH₂)_nO–, L is a single covalent bond and G2 is a radical of formula (II), a process for preparing these compounds, pharmaceutical compositions containing these compounds and method of treating cancer using these compounds.

Group X, claim(s) In part 1-22, drawn to compounds of formula (I) where B represents –NR₁₃, O or –(CH₂)_nO–, L is a single covalent bond and G2 is N-radical of 1,8-naphthalimide, a process for preparing these compounds, pharmaceutical compositions containing these compounds and method of treating cancer using these compounds.

Group XI, claim(s) In part 1-22, drawn to compounds of formula (I) where B represents –NR₁₃, O or –(CH₂)_nO–, L is a single covalent bond and G2 is C4-radical of 2-phenylquinoline, a process for preparing these compounds, pharmaceutical compositions containing these compounds and method of treating cancer using these compounds.

Group XII, claim(s) In part 1-22, drawn to compounds of formula (I) where B represents –NR₁₃, O or –(CH₂)_nO–, L is a single covalent bond and G2 is C9-radical of acridine, a process for preparing these compounds, pharmaceutical compositions containing these compounds and method of treating cancer using these compounds.

Group XIII, claim(s) In part 1-22, drawn to compounds of formula (I) where B represents –NR₁₃, O or –(CH₂)_nO–, L is a covalent linking biradical and G2 is a radical of formula

(II), a process for preparing these compounds, pharmaceutical compositions containing these compounds and method of treating cancer using these compounds.

Group XIV, claim(s) In part 1-22, drawn to compounds of formula (I) where B represents $-NR_{13}$, O or $-(CH_2)_nO-$, L is a covalent linking biradical and G2 is N-radical of 1,8-naphthalimide, a process for preparing these compounds, pharmaceutical compositions containing these compounds and method of treating cancer using these compounds.

Group XV, claim(s) In part 1-22, drawn to compounds of formula (I) where B represents $-NR_{13}$, O or $-(CH_2)_nO-$, L is a covalent linking biradical and G2 is C4-radical of 2-phenylquinoline, a process for preparing these compounds, pharmaceutical compositions containing these compounds and method of treating cancer using these compounds.

Group XVI, claim(s) In part 1-22, drawn to compounds of formula (I) where B represents $-NR_{13}$, O or $-(CH_2)_nO-$, L is a covalent linking biradical and G2 is C9-radical of acridine, a process for preparing these compounds, pharmaceutical compositions containing these compounds and method of treating cancer using these compounds.

Group XVII, claim(s) In part 1-22, drawn to compounds of formula (I) where B represents $-CO[NHCHR''CO]mO-$, L is a single covalent bond and G2 is a radical of formula (II), a process for preparing these compounds, pharmaceutical compositions containing these compounds and method of treating cancer using these compounds.

Group XVIII, claim(s) In part 1-22, drawn to compounds of formula (I) where B represents $-CO[NHCHR''CO]mO-$, L is a single covalent bond and G2 is N-radical of 1,8-naphthalimide, a process for preparing these compounds, pharmaceutical compositions containing these compounds and method of treating cancer using these compounds.

Group XIX, claim(s) In part 1-22, drawn to compounds of formula (I) where B represents $-CO[NHCHR''CO]mO-$, L is a single covalent bond and G2 is C4-radical of 2-phenylquinoline, a process for preparing these compounds, pharmaceutical compositions containing these compounds and method of treating cancer using these compounds.

Group XX, claim(s) In part 1-22, drawn to compounds of formula (I) where B represents $-CO[NHCHR''CO]mO-$, L is a single covalent bond and G2 is C9-radical of acridine, a process for preparing these compounds, pharmaceutical compositions containing these compounds and method of treating cancer using these compounds.

Group XXI, claim(s) In part 1-22, drawn to compounds of formula (I) where B represents $-CO[NHCHR''CO]mO-$, L is a covalent linking biradical and G2 is a radical of formula

(II), a process for preparing these compounds, pharmaceutical compositions containing these compounds and method of treating cancer using these compounds.

Group XXII, claim(s) In part 1-22, drawn to compounds of formula (I) where B represents $-\text{CO}[\text{NHCHR}''\text{CO}]_m\text{O}-$, L is a covalent linking biradical and G2 is N-radical of 1,8-naphthalimide, a process for preparing these compounds, pharmaceutical compositions containing these compounds and method of treating cancer using these compounds.

Group XXIII, claim(s) In part 1-22, drawn to compounds of formula (I) where B represents $-\text{CO}[\text{NHCHR}''\text{CO}]_m\text{O}-$, L is a covalent linking biradical and G2 is C4-radical of 2-phenylquinoline, a process for preparing these compounds, pharmaceutical compositions containing these compounds and method of treating cancer using these compounds.

Group XXIV, claim(s) In part 1-22, drawn to compounds of formula (I) where B represents $-\text{CO}[\text{NHCHR}''\text{CO}]_m\text{O}-$, L is a covalent linking biradical and G2 is C9-radical of acridine, a process for preparing these compounds, pharmaceutical compositions containing these compounds and method of treating cancer using these compounds.

4. The inventions listed as Groups I through XXIV do not relate to a single general inventive concept under PCT Rule 13.1 because, under PCT Rule 13.2, they lack the same or corresponding special technical features for the following reasons:

There is no common core which in the Markush Practice, is a significant structural element shared by all of the alternatives; see PCT Administrative Instructions Annex B part I (f) (i) (B) (1).

5. Applicant is advised that the reply to this requirement to be complete must include (i) an election of a species or invention to be examined even though the requirement may be traversed (37 CFR 1.143) and (ii) identification of the claims encompassing the elected invention.

The election of an invention or species may be made with or without traverse. To preserve a right to petition, the election must be made with traverse. If the reply does

not distinctly and specifically point out supposed errors in the restriction requirement, the election shall be treated as an election without traverse.

6. Applicant is reminded that upon the cancellation of claims to a non-elected invention, the inventorship must be amended in compliance with 37 CFR 1.48(b) if one or more of the currently named inventors is no longer an inventor of at least one claim remaining in the application. Any amendment of inventorship must be accompanied by a request under 37 CFR 1.48(b) and by the fee required under 37 CFR 1.17(i).

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Charanjit S. Aulakh whose telephone number is (571)272-0678. The examiner can normally be reached on Monday through Friday, 8:30 A.M. to 5:00 P.M..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Janet Andres can be reached on (571)272-0867. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Charanjit S. Aulakh/
Primary Examiner, Art Unit 1625